

Luke Andrew Busby, Ltd.
Nevada State Bar No. 10319
216 East Liberty St.
Reno, NV 89501
775-453-0112
luke@lukeandrewbusbyltd.com
Attorney for the Plaintiffs

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JENNIFER MARGARET ANGLIN,

Plaintiff(s),

vs.

Case No. 3:16-cv-00245

ROUND MOUNTAIN GOLD
CORPORATION,

JURY TRIAL DEMANDED

Defendant(s).

COMPLAINT FOR DAMAGES AND DECLARATORY RELIEF

COMES NOW, JENNIFER MARGARET ANGLIN ("Anglin" or "Plaintiff"), a married woman, by and through the undersigned counsel, and files the following complaint seeking redress for her unlawful termination from Round Mountain Gold Corporation ("Round Mountain" or "Defendant") in violation of the Family Medical Leave Act ("FMLA") and Nevada law.

Jurisdiction

1. This Court has jurisdiction over this action pursuant to 29 U.S.C. § 2601 in that this case arises under federal law, specifically, the FMLA.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

7

8
9

10

11

12
13

15
16
17
18
19
20
21
22

23

24
25

26
27
28

1 inconclusive.

2 9. As a result of lime dust entering her truck, Anglin suffered burning lungs and
3 bleeding through her nose, as well as a headache.

4 10. Anglin also suffers from long term back issues related to greater trochanter
5 bursitis, chronic back pain, and has had a spinal lumbar fusion.

6 11. As a result of Anglin's back problems and at the direction of her doctor, Anglin
7 requested leave under the FMLA on or about March 6th of 2015. On February 26, 2015
8 Anglin spoke with Denise Carver, a Human Resources representative at Round Mountain,
9 and informed Ms. Carver that Anglin may seek FMLA leave for Anglin's back issue. At this
10 time, Ms. Carver tried to discourage Anglin from seeking FMLA leave by asking that Anglin
11 hold off on requesting FMLA leave.

12 12. Round Mountain approved Anglin's FMLA leave and Anglin's FMLA Leave
13 was scheduled to begin on or about March 9, 2015.

14 13. As a result of the incident involving lime dust, Anglin opened a Workers
15 Compensation Claim under Nevada's Industrial Insurance Act, NRS Chapter 616 on
16 February 25, 2015 by filing an Employee's Claim for Compensation/Report of Initial
17 Treatment Form C-4 with Round Mountain.

18 14. On March 10, 2015 Anglin was fired by Round Mountain by Ms. Carver and
19 Neil Jensen, the Mine Supervisor at Round Mountain, on the grounds that Anglin failed to
20 disclose to her supervisor that she took the prescription drug phenergan. Anglin was fired
21 by telephone and was told on the call by Ms. Carver that Anglin would not receive any
22 disability benefits.

23 15. Anglin disclosed the fact that she took phenergan to Round Mountain before
24 being hired by Round Mountain.

25 16. Round Mountain's claim that it fired Anglin because she failed to disclose that
26 she took phenergan was a pretext for firing Anglin.

27 17. Round Mountain fired Anglin because she sought FMLA leave for her back
28 issues and because she filed a Workers Compensation Claim after being injured at her job at
Round Mountain.

20. The Plaintiff has suffered damages as a result of the conduct of the Defendants.

Retaliatory Termination of Employment in Violation of the FMLA

26. As a direct and proximate result of Defendants unlawful acts, Plaintiff has

1 suffered loss of wages, employment benefits, and other compensation and is entitled to an
2 award to compensate her for those losses.

3 27. Pursuant to the FMLA, Plaintiff is also entitled to an award of prejudgment
4 interest at the prevailing rate from the date of the unlawful retaliation to the date of
5 judgment on the award of wages, employment benefits, and other compensation lost to her
6 as a result of Defendant's violations of the FMLA.

7 28. Plaintiff is entitled to liquidated damages doubling the award of interest, wages,
8 lost employment benefits, and other compensation lost to him as a result of Defendant's
9 violations of the FMLA as Defendant did not act in good faith and based upon reasonable
10 grounds to believe that it was in compliance with the FMLA.

11 29. As a further direct and proximate result of Defendant's violations Plaintiff has
12 been required to obtain the services of an attorney and she is entitled to an award of
13 reasonable attorney's fees and the costs and expenses of this action.

14 30. Defendant's unlawful actions were intentional, willful, malicious and/or done
15 with reckless disregard for Plaintiff's rights.

16 31. In addition to the relief requested above, the Plaintiff requests relief as
17 described in the Prayer for Relief below.

18 ***Second Claim for Relief***

19 ***Retaliatory Discharge by reason of the filing of a Workers Compensation Claim***

20 32. The Plaintiff re-alleges the foregoing paragraphs as though the same were set
21 forth hereat verbatim, incorporating every one herein by this reference into the claims listed
22 below.

23 33. The medical condition from which Plaintiff suffered was an on the job injury.

24 34. Plaintiff exercised her rights to file a workers compensation claim as a result of
25 the injury.

26 35. Defendant retaliated against Plaintiff for her exercise of her rights to file a
27 Workers Compensation claim by unlawfully discharging the Plaintiff.

28 36. As a direct and proximate result of Defendants unlawful acts, Plaintiff has
suffered loss of wages, employment benefits, and other compensation and is entitled to an

1 award to compensate her for those losses.

2 37. By firing the Plaintiff because she filed a Workers Compensation claim, the
3 Defendants engaged in conduct in furtherance of and opposed to the strong and compelling
4 public policy of the State of Nevada. *Hansen v. Harrah's*, 100 Nev. 60, 675 P.2d 394 (Nev.
5 1984).

6 38. The Defendant's conduct was tortious and was done with heedless and reckless
7 disregard for the Plaintiff's rights and welfare, and the same was done intentionally,
8 maliciously, and with wanton disregard for the Plaintiff's rights.

9 39. Accordingly, the Plaintiff is entitled to punitive and exemplary damages against
10 the Defendants, in order to punish the Defendants and to serve as an example to others
11 engaged in such conduct that such behavior will not be tolerated.

12 40. In addition to the relief requested above, the Plaintiff requests relief as
13 described in the Prayer for Relief below.

14 WHEREFORE, the Plaintiff requests that this Court:

15 a. Enter a declaratory judgment that the actions complained of in this complaint are
16 unlawful and violate the FMLA.

17 b. Order Defendants to pay the wages, salary, employment benefits, and other
18 compensation denied or lost to Plaintiff to date by reason of Defendants' unlawful actions,
19 in amounts to be proven at trial;

20 c. Order Defendants to pay compensatory damages for the Plaintiff emotional pain
21 and suffering, in an amount to be proven at trial;

22 d. Order the Defendants to pay liquidated damages as provided by law;

23 e. Order Defendants to pay exemplary and punitive damages;


24 f. Order Defendants to pay attorneys' fees and costs of the action;

25 g. Order Defendants to pay interest at the legal rate on such damages as appropriate,
26 including pre- and post-judgment interest; and

27 h. Grant any further relief that the Court deems just and proper.

28 ///

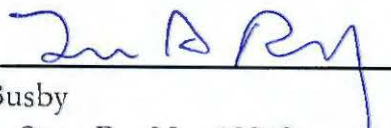
1 Respectfully submitted this May 6, 2016

2
3 By: 
4 Luke Busby
5 Nevada State Bar No. 10319
6 216 East Liberty St.
7 Reno, NV 89501
8 775-453-0112
9 luke@lukeandrewbusbyltd.com
10 *Attorney for the Plaintiffs*

11 **JURY TRIAL DEMAND**

12 Plaintiff hereby demands a jury trial on all issues so triable.

13
14 Respectfully submitted this May 6, 2016

15
16 By: 
17 Luke Busby
18 Nevada State Bar No. 10319
19 216 East Liberty St.
20 Reno, NV 89501
21 775-453-0112
22 luke@lukeandrewbusbyltd.com
23 *Attorney for the Plaintiffs*
24
25
26
27
28

DECLARATION

I, Jennifer Margaret Anglin, declare that the assertions in this Declaration are true and correct and based upon my personal knowledge:

1. I am the Plaintiff in the foregoing action;
2. I have read the foregoing COMPLAINT FOR DAMAGES AND DECLARATORY RELIEF ("COMPLAINT") and know the contents thereof in so far as they relate to my personal knowledge of the facts described above;
3. I am competent to testify thereto;
4. The contents of the COMPLAINT are true and correct to the best of my knowledge, information, and belief;

I declare under penalty of that the foregoing Declaration is true and correct.

Dated: May 6, 2016

By: Jennifer M. Anglin
Jennifer Margaret Anglin